

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: Chairman Kendall Van Dyk, on February 19, 2009 at
3:01 P.M., in Room 152 Capitol

ROLL CALL

Members Present:

Rep. Kendall Van Dyk, Chairman (D)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. Dave McAlpin, Vice Chairman (D)
Rep. Dick Barrett (D)
Rep. Carlie Boland (D)
Rep. Joel Boniek (R)
Rep. Mike Milburn (R)
Rep. Mike Miller (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Mike Phillips (D)
Rep. Cary Smith (R)
Rep. Ted Washburn (R)
Rep. Jeffery Welborn (R)

Members Excused: Rep. Paul Beck (D)
Rep. Frosty Boss Ribs (D)

Members Absent: Rep. Jill Cohenour (D)
Rep. JP Pomnichowski (D)

Staff Present: Bryce Bennett, Committee Secretary
Doug Sternberg, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 499; HB 605; HJR 18; HJR 21

Executive Action: HB 210; HB 218; HB 314; HB 330
HB 434; HB 499; HB 585; HB 605
HJR 18; HJR 21

00:02:17 Rep. Pomnichowski arrived.

HEARING ON HJ 18

Opening Statement by Sponsor:

00:02:23 Rep. Anders Blewett (D), HD 21, opened the hearing on
HJ 18, Censure Burlington Northern for river corridor
scenery destruction.

00:03:28 Rep. Beck arrived.

00:05:09 Rep. Cohenour arrived.

Proponents' Testimony:

00:07:10 Jim Ahrens, self

00:12:08 Jennifer Thompson, self

EXHIBIT(fih39a01)

00:16:18 Steve Keim, self

00:20:30 Mike Meloy, self

Opponents' Testimony:

00:26:13 Barbara Ranf, Burlington Northern Santa Fe
(BNSF) Railway

EXHIBIT(fih39a02)

00:30:48 Jon Bennion, Montana Chamber of Commerce

00:33:11 Fran Marceau, United Transportation Union

00:35:16 Craig Gilchrist, Brotherhood of Locomotive Engineers &
Trainmen

00:37:10 Mary Ann Fiehrer, Transportation Preservation Society
of Montana

EXHIBIT(fih39a03)

00:39:08 Mike Opar, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:41:27 Rep. Hendrick
00:42:27 Ms. Ranf
00:42:54 Rep. Hendrick
00:42:59 Ms. Ranf
00:43:21 Rep. Welborn
00:43:55 Rep. Blewett
00:44:16 Rep. Welborn
00:44:33 Rep. Blewett
00:44:49 Rep. Welborn
00:45:15 Rep. Blewett
00:45:40 Rep. Boniek
00:45:57 Rep. Blewett
00:46:53 Rep. Cohenour
00:47:10 Mr. Ahrens
00:48:16 Rep. Cohenour
00:48:36 Mr. Ahrens
00:48:52 Rep. Pomnichowski
00:49:28 Ms. Ranf
00:49:47 Rep. Pomnichowski
00:50:05 Ms. Ranf
00:50:58 Rep. Pomnichowski
00:51:22 Ms. Ranf
00:52:07 Rep. Pomnichowski
00:52:40 Mr. Bennion
00:53:34 Rep. Smith
00:53:52 Rep. Blewett
00:54:38 Rep. Smith
00:54:44 Rep. Blewett
00:55:06 Rep. Smith
00:55:11 Rep. Blewett
00:55:28 Rep. Miller
00:56:16 Rep. Blewett
00:57:20 Rep. Miller
00:57:35 Rep. Blewett

Closing by Sponsor:

00:58:18 Rep. Blewett

HEARING ON HB 605

Opening Statement by Sponsor:

01:00:11 Rep. Shannon Augare (D), HD 16, opened the hearing on
HB 605, Equitable distribution of fish and game fed
excise taxes between state & tribes.

Proponents' Testimony:

01:03:03 Rep. Calf Boss Ribs arrived.
01:03:05 Sen. Carol Juneau
01:05:40 Fred Matt, Native American Fish and Wildlife Society
01:10:49 Pam Bucy, Confederated Salish and Kootenai Tribes
(CSKT)
01:13:41 Rep. Calf Boss Ribs

Opponents' Testimony:

01:14:12 Rep. Dee Brown, HD 3, Hungry Horse

Informational Testimony:

01:15:25 Bob Lane, Department of Fish, Wildlife, and Parks
[EXHIBIT\(fih39a04\)](#)

Questions from Committee Members and Responses:

01:23:07 Rep. Cohenour
01:23:38 Mr. Matt
01:24:19 Rep. Cohenour
01:24:46 Mr. Matt
01:25:56 Rep. Cohenour
01:26:55 Mr. Matt
01:27:09 Rep. Cohenour
01:27:33 Mr. Lane
01:27:51 Rep. Peterson
01:28:34 Mr. Lane
01:28:50 Rep. Peterson
01:28:52 Mr. Lane
01:28:55 Rep. Peterson
01:29:17 Mr. Lane
01:29:45 Rep. Peterson
01:29:53 Mr. Lane
01:30:02 Rep. Peterson
01:30:26 Mr. Lane
01:30:44 Rep. Cohenour
01:31:26 Mr. Lane
01:32:12 Rep. Cohenour

01:32:26 Mr. Lane

Closing by Sponsor:

01:33:27 Rep. Augare

HEARING ON HB 499

Opening Statement by Sponsor:

01:36:22 Rep. Julie French (D), HD 36, opened the hearing on HB 499, Revising laws related to the upland game bird program.

[EXHIBIT\(fih39a05\)](#)

Proponents' Testimony:

01:48:56 Dennis Daneke, Big Sky Upland Bird Association
01:49:54 Mike Jenson, Commissioner, Sheridan County Commission

[EXHIBIT\(fih39a06\)](#)

01:54:25 Mark Lambrecht, self

01:55:38 Ken McDonald, Administrator, Department of Fish, Wildlife, and Parks

[EXHIBIT\(fih39a07\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:58:04 Rep. Smith

01:58:22 Rep. French

01:58:51 Rep. Phillips

01:59:37 Mr. McDonald

02:00:32 Rep. Phillips

02:01:09 Rep. French

Closing by Sponsor:

02:01:52 Rep. French

HEARING ON HJ 21

Opening Statement by Sponsor:

02:04:26 Rep. Dee Brown (R), HD 3, opened the hearing on HJ 21, Resolution requesting a performance audit of Dept of Fish, Wildlife, and Parks.

EXHIBIT(fih39a08)

Proponents' Testimony: None

Opponents' Testimony:

02:07:12 Chas Van Genderen, Department of Fish, Wildlife, and Parks

EXHIBIT(fih39a09)

Informational Testimony: None

Questions from Committee Members and Responses:

02:09:48 Rep. Miller
02:10:04 Mr. Van Genderen
02:10:15 Rep. Brown
02:10:46 Rep. Miller
02:10:53 Rep. Brown
02:11:15 Rep. Boniek
02:11:31 Rep. Brown
02:12:23 Rep. Boniek
02:12:34 Rep. Brown
02:13:08 Rep. McAlpin
02:13:19 Rep. Brown
02:14:50 Rep. McAlpin
02:15:00 Mr. Van Genderen
02:15:35 Rep. McAlpin
02:15:43 Mr. Van Genderen
02:16:14 Rep. Phillips
02:16:29 Mr. Van Genderen
02:16:44 Rep. Phillips
02:16:50 Angie Grove, Legislative Audit Division
02:18:05 Rep. Phillips
02:18:21 Ms. Grove
02:18:46 Rep. Phillips
02:19:02 Ms. Grove

Closing by Sponsor:

02:19:42 Rep. Brown

02:21:00 Chairman Van Dyk made announcements to the committee.

02:26:16 Break

02:48:56 Reconvene

02:48:59 Doug Sternberg, Legislative Services Division (LSD)
explained the rules of transmittal.

EXECUTIVE ACTION ON HB 218

02:49:47 **Motion:** Rep. McAlpin moved that **HB 218 DO PASS.**

Discussion:

02:50:06 Rep. Cohenour

02:51:35 Rep. McAlpin

02:51:46 **Motion:** Rep. McAlpin moved that **HB 218 BE AMENDED.**
EXHIBIT(fih39a10)

Discussion:

02:51:53 Mr. Stenberg

02:53:29 Rep. Cohenour called the question on the amendment.

02:53:34 **Vote:** Motion carried 17-1 by voice vote with Rep.
Pomnichowski voting no.

02:53:47 **Motion:** Rep. McAlpin moved that **HB 218 DO PASS AS**
AMENDED.

Discussion:

02:54:05 Rep. Boniek

02:54:42 Rep. Barrett

02:55:10 Rep. Beck

02:55:36 Rep. Cohenour called the question on HB 218.

02:55:40 **Vote:** Motion carried 16-2 by voice vote with Rep.
Boniek and Rep. Peterson voting no and with Rep.
Welborn voting aye by proxy.

EXECUTIVE ACTION ON HB 585

02:56:26 **Motion:** Rep. McAlpin moved that **HB 585 DO PASS.**

02:57:35 **Motion:** Rep. Pomnichowski moved that **HB 585 BE AMENDED.**
EXHIBIT(fih39a11)

Discussion:

02:57:42 Rep. Pomnichowski

02:58:45 Rep. McAlpin called the question.

02:58:49 **Vote:** Motion carried unanimously by voice vote with Rep. Wellborn voting aye by proxy.

02:59:08 **Motion:** Rep. McAlpin moved that **HB 585 DO PASS AS AMENDED.**

Discussion:

02:59:16 Rep. Boniek

02:59:44 Rep. Milburn called the question on HB 585.

02:59:49 **Vote:** Motion carried 15-3 by voice vote with Rep. Boniek, Rep. Hendrick, and Rep. Peterson voting no. Rep. Wellborn voted by proxy.

EXECUTIVE ACTION ON HB 314

03:00:28 **Motion:** Chairman Van Dyk moved that **HB 314 DO PASS.**

Discussion:

03:00:32 Rep. Milburn

03:00:40 **Motion:** Rep. Milburn moved that **HB 314 BE TABLED.**

03:00:45 **Vote:** Motion carried unanimously by voice vote. Rep. Wellborn voted by proxy.

EXECUTIVE ACTION ON HB 330

03:01:11 **Motion:** Rep. McAlpin moved that **HB 330 DO PASS.**

Discussion:

03:01:20 Rep. Cohenour

03:02:11 **Motion:** Rep. Cohenour moved that **HB 330 BE TABLED.**

03:02:15 **Vote:** Motion tied 9-9 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye.

Discussion:

03:03:29 Rep. Hendrick

03:03:58 Chairman Van Dyk

03:06:07 **Vote:** Motion tied 9-9 by roll call vote with Rep. Boniek, Rep. Hendrick, Rep. Milburn, Rep. Miller, Rep. O'Hara, Rep. Peterson, Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye.

03:07:17 **Motion:** Rep. Milburn moved that **HB 330 BE TABLED.**

03:07:34 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 434

03:07:49 **Motion:** Rep. Cohenour moved that **HB 434 DO PASS.**

Discussion:

03:07:55 Rep. Milburn

03:08:00 **Motion:** Rep. Milburn moved that **HB 434 BE TABLED.**

03:08:16 **Vote:** Motion carried 17-1 by voice vote. Rep. Barrett and Rep. Welborn voted by proxy.

EXECUTIVE ACTION ON HJ 18

03:09:04 **Motion:** Rep. McAlpin moved that **HJ 18 DO PASS.**

03:09:16 **Motion:** Rep. Hendrick moved that **HJ 18 BE TABLED.**

03:09:20 **Vote:** Motion carried 10-8 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. McAlpin, Rep. Phillips, and Rep. Pomnichowski voting no.

EXECUTIVE ACTION ON HB 605

03:11:21 **Motion:** Rep. McAlpin moved that **HB 605 DO PASS.**

Discussion:

03:11:29 Rep. Calf Boss Ribs
03:11:36 Rep. Cohenour
03:12:32 Rep. Washburn
03:13:02 Rep. McAlpin called the question.

03:14:09 **Motion:** Rep. Hendrick moved that **HB 605 BE TABLED.**

03:14:15 **Vote:** Motion carried 15-3 with Rep. Barrett, Rep. Boss Ribs, and Rep. Cohenour voting aye. Rep. Wellborn voted by proxy.

EXECUTIVE ACTION ON HB 499

03:15:05 **Motion:** Rep. McAlpin moved that **HB 499 DO PASS.**

Discussion:

03:15:22 Rep. Cohenour
03:15:26 Rep. Phillips
03:15:57 Rep. Miller

03:16:02 **Vote:** Motion carried unanimously by voice vote with Rep. Wellborn voting aye by proxy.

EXECUTIVE ACTION ON HJ 21

03:16:30 **Motion:** Rep. McAlpin moved that **HB 314 DO PASS.**

Discussion:

03:16:46 Rep. Hendrick called the question on HJ 21.

03:16:52 **Vote:** Motion failed 4-14 with Rep. Hendrick, Rep. Milburn, and Rep. Smith voting aye. Rep. Wellborn voted by proxy.

03:17:36 **Motion:** Rep. Milburn moved that **HJ 21 BE TABLED.**

03:17:44 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 6:20 P.M.

Bryce Bennett, Secretary

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Additional Documents:

EXHIBIT ([fih39aad.pdf](#))